

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lonnie Patterson,)	
)	C/A No. 6:05-2223-MBS
Petitioner,)	
)	
vs.)	
)	ORDER
The United States of America and the)	
South Carolina Department of Mental)	
Health,)	
)	
Respondents.)	
)	

Petitioner Lonnie Patterson brought this action pursuant to 28 U.S.C. § 2241, asserting that he “need[s] to be release from Just Care Dentiont Hospilta to see my Ex Wife and children and raised them properly.” Petition, p. 6.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On October 21, 2005, Respondent United States of America filed a motion to transfer venue or to dismiss the petition. By order filed October 24, 2005, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Petitioner was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. On November 9, 2005, Respondent South Carolina Department of Mental Health filed a motion to dismiss. A second Roseboro order was issued on November 10, 2005. Petitioner elected not to respond to either motion.

On January 4, 2006, Petitioner was given until January 27, 2006 to file responses to Respondents’ motions. Petitioner was advised that if he failed to respond, the within action would be subject to dismissal for failure to prosecute. Petitioner has filed no response to Respondents’

motions. Accordingly, the Magistrate Judge filed a Report of Magistrate Judge on February 2, 2006 in which he recommended that the petition be dismissed pursuant to Rule 41(b), FRCP for failure to prosecute. Petitioner filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has reviewed the Report, petition, motions, and applicable law. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. The case is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
February 24, 2006.

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.